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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 15142US02 |
| I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office | | Application Number 10/765,813 |
| On <u>April 22, 2009</u> | | Filed 1/27/2004 |
| Signature <u>/Mirut P. Dalal/</u> | | First Named Inventor Ramakrishnan |
| Typed or printed Name <u>Mirut P. Dalal</u> | | Art Unit 2621 |
| | | Examiner Werner |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/Mirut P. Dalal/

Signature

assignee of record of the entire interest.

Mirut P. Dalal

Typed or printed name

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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April 22, 2009

Date

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 15142US02)

PRE-APPEAL BRIEF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This correspondence is filed in response to the Office Action of January 22, 2009.

REMARKS

Claims 9-12 and 20 are presently pending. Claims 1-4 and 13-15 are withdrawn from consideration. Claims 5-8 and 16-19 are cancelled without prejudice. Assignee respectfully appeals the rejections and request a pre-appeal conference for review.

Claim 9 was rejected under 35 U.S.C. § 102(e) as anticipated by MacInnis. Claim 9 is copied below:

9. A video decoder for decoding video data, said video decoder comprising:

a local buffer for storing a portion of compressed video data;

a decompression engine for decoding the portion of the compressed video data stored in the local buffer; and

an extractor for transmitting an indicator to a direct memory access engine indicating that the portion of the compressed video data stored in the local buffer can be overwritten by another portion of the compressed video data, after the decompression engine decodes the portions of the video data stored in the local buffer.

Claim 9 recites, among other limitations, "direct memory access engine indicating that the portion of the compressed video data stored in the local buffer can be overwritten by another portion of the compressed video data, after the decompression engine decodes the portions of the video data stored in the local buffer".

Examiner has indicated that "Bridge module 204 communicates with the local decoder memory 212 and main memory 110, according to instructions from core processor 202 (column 6: lines 46-51). This corresponds with the claimed 'extractor'. The bridge module acts to fetch data from main memory 110 into a pipelined data processing

system including local decoder memory 212 (column 6" lines 4-14) when a buffer memory has output a previous macroblock and is free to receive additional data (column 11: line 63-column 12: line 7). Then, the fetch instruction, indicating that the buffer is open, corresponds with the claimed 'indicator'." Previous Office Action.

Examiner has also indicated that "MacInnis et al., in column 7, lines 42-46 recites: 'Accordingly to an illustrative embodiment of the present invention, each incoming data unit to be decoded is assigned one of the data unit buffers. The header portion and the data portion of the unit are initially stored in the buffer assigned to that data unit' (emphasis added). It is respectfully submitted that the data 'initially stored' in the buffer that is 'to be decoded' is the claimed 'portion of compressed video data'." Final Office Action, 1/22/09.

However, Assignee respectfully submits that the foregoing does not teach the claimed "compressed video data stored in the local buffer ... overwritten by another portion of the compressed video data". Even if "the data 'initially stored' [col. 7, lines 42-46] in the buffer that is 'to be decoded' is the claimed 'portion of compressed video'", the foregoing does not teach that it is "overwritten by another portion of the compressed video data".

For example, MacInnis teaches "In each stage of the decoding pipeline, the data portion, or the intermediate data, of the data unit is retrieved from its assigned buffer by one of the decoding elements (such as decoding elements 206, 208, and 210) and processed by that decoding element. The newly processed data is then deposited back in the data portion of the assigned buffer by the decoding element. In an illustrative embodiment of the present

invention, the newly processed data replaces the previous substantive data in the data portion 460 of the buffer". Col. 7, Lines 55-64. Assignee respectfully submits that it is the "newly processed data" that is deposited in the data, in contrast with "another portion of the compressed video data". Also, the "newly processed data" is not "another portion", but the *same* portion processed.

Additionally, although at Col. 11, Line 63+, MacInnis teaches "In the sixth stage 750, buffer 0 (400) is free since the data it had been holding, the data for macroblock (0,0), was dispensed as output in stage five 740." However, as can be seen in Figure 7a, at 740, macroblock (0,0) has been processed by 206, 208, and 210. Therefore, macroblock (0,0) is processed, in contrast with "compressed video data stored in the local buffer ... overwritten by another portion of the compressed video data".

Accordingly, for at least the foregoing reasons, Assignee respectfully traverses the rejection to independent claims 9 and 20, and dependent claims 10-12, and requests that the rejections be withdrawn.

Conclusion

For at least the foregoing reasons, each of the pending claims is in a condition for allowance. Examiner is requested to pass this case to issuance.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,



April 22, 2009

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